IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 7027 of 2007(J)

PETITIONER:

FATHIMA, W/O KOOLIKKAD MOIDEEN,
KOOLIKKAD HOUSE, CHITTARI VILLAGE & POST,
HOSDURG TALUK, KASARAGOD DISTRICT.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENT:

THE PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, BYPASS ROAD,
ERANHIPALAM, KOZHIKODE- 673006.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.7027 OF 2007

EXT.P1: TRUE COPY OF THE PASSPORT.

EXT.P2: TRUE COPY OF THE ORDER DATED ½/06 OF THIS HON'BLE COURT IN B.A.NO.520/06.

EXT.P3: TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, HOSDURG TO ISSUE NECESSARY DIRECTION TO THE PASSPORT AUTHORITY TO RELEASE HIS PASSPORT.

EXT.P4: TRUE COPY OF THE LETTER DATED 24.4.2006 ISSUED BY THE RESPONDENT.

EXT.P5: TRUE COPY OF THE PASSPORT ISSUED TO THE PETITIONER'S SON CONTAINING NECESSARY ENDORSEMENT.

TRUE COPY

PA TO JUDGE.

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No. 7027 of 2007-J

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Dated this the 18th day of August, 2007.

JUDGMENT

Heard.

2. The petitioner contends that she is the mother of Sri.Abdul Basheer holding Indian Passport No.EO444374 dated 1-5-2002. That person is involved in a long pending case before the Court of the Judicial Magistrate of the First Class-I, Hosdurg as LPC.No.28/2004 (C.C.No.196/2006). That Court had ordered release of his passport. Therefore, taking recourse to Chapter XIV-4(a)(ii) of the Passport Manual 2001, the validity of the passport has been restricted for a period of six months, which renewal would be subjected to further renewal for six months only unless the criminal

Court has cancelled or modified its order.

3. As of now, the petitioner's son does not have a valid passport because, the validity period of that passport has expired, on the basis of the aforesaid endorsement. The counter affidavit also states that though the case of Abdul Basheer was brought to the notice of the Indian Embassy in Abu Dhabi, a reply is yet to be obtained.

4. While the contention of the respondents is that renewal of passport is contingent on the disposal of C.C.196/2006 by the Judicial Magistrate of the First Class-I, it can also be seen that the said litigation is a long pending case and that Court had granted permission for release of the passport of Abdul Basheer. The learned counsel for the petitioner submits that the subject matter of C.C.196/2006 is only regarding an offence punishable under Section 138 of the Negotiable Instruments Act.

Having regard to the facts aforesaid, this writ petition is disposed of directing that if the passport of Sri.Abdul Basher with Passport No.EO444374 is made available before the competent among the respondents, that shall be renewed for a further period extending to a period of six months from the date of such renewal, in terms of Chapter XIV-4(a)(ii) of the Passport Manual to enable Abdul Basheer, the son of the petitioner to return to India and seek further reliefs in accordance with law and further orders from the Court of the Judicial Magistrate of the First Class-I, Hosdurg.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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